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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,949	11/09/2003	Aleksey Solonchev	ppt001-110903	2948
38640	7590	05/31/2006	EXAMINER	
ALEKSEY SOLONCHEV 21010 ANZA AVE #28 TORRANCE, CA 90503			POND, ROBERT M	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 05/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,949

Applicant(s)

SOLONCHEV, ALEKSEY

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/09/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims 1-11 are rejected under 35 USC 103(a) as being unpatentable over iSyndicate (a collection of prior art cited in PTO-892, Items: U and V, in view of WebSphere Commerce (PTO-892, Item: W).

BW teaches iSyndicate partnering with IBM to connect its content syndication platform (i.e. equivalent to Applicant's integration server) to IBM's WebSphere Portal (WSP) (i.e. equivalent to Applicant's content providers to customers). iSyndicate will provide WPS customers with digital content via the WSP. BW teaches iSyndicate's information providers (i.e. equivalent to Applicant's merchant) comprising CNET, ABCNew.com, AP, Business Week, and CNBC (US: see at least pages 1 and 2). BW further teaches:

- identifying at least one content provider server to an integration server:
Inherent in BW are the structures necessary to permit identifying at least one content provider server to an integration server as noted above.
- Communicating the information regarding products available for commercial transaction: as noted above, WSP customers receive content available for commercial transaction.
- Identifying merchant server to integration server: as noted above, iSyndicate is in communication with information provider servers (e.g. ABCNews.com).
- creating a merchant transaction, communicating transaction request, and executing transaction request: Inherent in iSyndicate are the structures necessary to permit creating a merchant transaction, communicating

transaction request, and executing transaction request. For example, iSyndicate gathers content from locations #1, and/or #2, etc and publishes content (U: see page 3) which will pass via the IBM WSP to WSP users. Please note: content filtering as disclosed by iSyndicate limits content based on filtering parameters.

iSyndicate teaches all the above as noted under the 103(a) rejection and teaches IBM's WebSphere Portal system but does not disclose executing commercial transactions. WebSphere Commerce teaches IBM's WebSphere Portal and WebSphere commerce suite residing on the same platform (please note: supports commercial transactions). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of iSyndicate to support commercial transaction as taught by WebSphere Commerce, in order to offer customers online commerce services.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 2003/0014483 (Stevenson et al.) 16 January 2003; teaches content integration, management, and distribution to content clients (please note: content clients can be business or enterprises).
- US 2002/0156678 (Adams) 24 October 2002; teaches clients accessing a franchisee's website, the franchisee's site interacting with an integration server (i.e. franchisor's server).
- IDS entered 09 November 2003, US 6,351,738 (Clark) 26 February 2002; teaches franchising structure whereby customers interact with franchisee, the franchisee interacts with the franchisor, and the franchisor interacts with suppliers (i.e. merchants).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', is positioned above the printed name.

Robert M. Pond
Primary Examiner
May 26, 2006